

EXHIBIT 4



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November 6, 2017

Via E-mail and FedEx [ga@picallc.com]

Heather Honey
Senior Director, Americas
PICA Corporation
551 S. Third Street
Columbus, Ohio
43215

Re: Infringement of Rights (TigerSwan, Inc.)

Dear Ms. Honey:

This firm represents TigerSwan, Inc. ("TigerSwan"), an international service provider in the arenas of security and safety, business intelligence, construction services, and stability operations. Since at least as early as June 30, 2011, TigerSwan has engaged in commercial use of the mark GUARDIAN ANGEL (the "Mark") in connection with a broad array of security services. The Mark is federally registered to TigerSwan for use in association with such services under U.S. Patent & Trademark Office Registration No. 5235083 (please see Exhibit A enclosed herewith for additional details), and TigerSwan also enjoys widespread common law rights in the Mark.

It has come to our attention that PICA Corporation ("PICA") has used the mark "GUARDIAN ANGEL" (the "Infringing Mark") in connection with a new mobile application for personal safety (the "App") which is currently being advertised at <pica.net> and <picallc.com> (collectively, the "Site"). Please see Exhibit B enclosed herewith for recent screen shots from the Site referencing the App through the use of the Infringing Mark. We also understand that PICA has recently applied to federally register the Infringing Mark in connection with a variety of personal safety and security services related to the App under U.S. Patent & Trademark Office Serial No. 87639164 (please see Exhibit C enclosed herewith for additional details) (the "Infringing Application").

We acknowledge PICA's existing federal registration of the Infringing Mark under U.S. Patent & Trademark Office Registration No. 4877016 in connection with security services relating to commercial drivers and the safety and recovery of commercial vehicles (please see Exhibit D enclosed herewith for additional details). However, such security services are materially different from those associated with personal safety and security in the manner intended by the App.

PPAB 3924418v3

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For this reason, PICA's use of the Infringing Mark in connection with the App is likely to cause confusion in the minds of the relevant public because it is closely similar to the Mark and is being used in connection with the same or overlapping services to those that TigerSwan offers under the Mark (and which are covered by TigerSwan's federal trademark registration for the Mark). The Infringing Mark fully incorporates the Mark and PICA's use of a space between the words "GUARDIAN" and "ANGEL" is insufficient to distinguish the Infringing Mark from the Mark in such a way that would prevent a reasonable consumer from concluding that PICA may be the source of TigerSwan's services under the Mark or vice-versa. Consequently, the overall commercial impression created by PICA's use of the Infringing Mark is highly likely to confuse and mislead consumers into mistakenly believing that PICA is the same as, sponsored or endorsed by, or otherwise affiliated with TigerSwan, when it is not. This is the very definition of trademark infringement and violates the U.S. Federal Trademark Act, 15 U.S.C. § 1051, *et seq.*, and various state laws. Remedies under some of these laws include injunctive relief, compensatory damages, treble damages, and attorneys' fees.

The purpose of this letter is to demand that PICA cease any and all use of the Infringing Mark and any mark confusingly similar to the Mark. This includes, without limitation, that PICA (i) change the name of the App so that it no longer includes the Mark or any similar mark; (ii) remove all usage of the Mark from the Site and any other websites, advertisements, social media, and/or marketing materials; (iii) withdraw the Infringing Application from consideration for federal registration with the U.S. Patent & Trademark Office; and (iv) otherwise forever cease all use of the Infringing Mark and/or any other mark that is confusingly similar to the Mark.

Please respond to this letter in writing as soon as possible, but in any event no later than 10 days following the date of this letter, with confirmation that you have taken steps to comply with the foregoing demands. Please set forth in detail all the measures you have taken as of the date of your response and explain in detail any future plans you have to reach full compliance with such demands. Thank you very much in advance for your prompt attention to this matter. Please contact me if you have any questions.

TigerSwan reserves the right to take additional steps to protect and enforce its intellectual property rights without further notice and nothing in this letter shall limit or be construed to limit any positions, rights, or claims that TigerSwan may have, all of which hereby are expressly reserved.

Sincerely,



Joshua J. Morales

JJM
[enclosure(s)/attachment(s)]

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Exhibit A

Please see attached.



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GUARDIANANGEL

Word Mark

GUARDIANANGEL

Goods and Services

IC 045. US 100 101. G & S: Security consultancy, namely, providing pre-travel risk mitigation plans and emergency action plans; Security services, namely, providing international travel protection for individuals or locations; Security services, namely, providing pre-travel security assessments of physical locations, information systems, or working environments; Security services, namely, threat simulation vulnerability analysis and mitigation and emergency and crisis response for individuals travelling internationally. FIRST USE: 20110630. FIRST USE IN COMMERCE: 20110630

Standard Characters Claimed

Mark Drawing Code

(4) STANDARD CHARACTER MARK

Serial Number 87043622

Filing Date May 19, 2016

Current Basis 1A

Original Filing Basis 1A

Published for Opposition April 18, 2017

Registration Number 5235083

Registration Date July 4, 2017

Owner

(REGISTRANT) TIGERSWAN, LLC LIMITED LIABILITY COMPANY DELAWARE 3467 Apex
Peakway Apex NORTH CAROLINA 27502

**Assignment
Recorded** ASSIGNMENT RECORDED

**Attorney of
Record** William B. Cannon

Type of Mark SERVICE MARK

Register PRINCIPAL

**Live/Dead
Indicator** LIVE

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Exhibit B

Please see attached.



> Contact Us ([contact.php](#)) ☎ +1-813-990-0973



The next best thing for personal safety

Guardian Angel is a next generation smartphone app that provides enhanced levels of protection...

REGISTER INTEREST (<http://picallc.com/contact.php>)

or learn more. ([features.php](#))

Guardian Angel can help you **feel** safe

In danger? A simple shake or tap activates Guardian Angel, automatically sending your location and audio/video evidence to our monitoring centre so our team of security professionals can help you quickly.



Contact Us

📍 **Address:** Guardian Angel, 4846 West Gandy Blvd. Tampa, FL 33611

📞 **Phone:** +1-813-990-0973

✉ **Email:** ga@picallc.com (mailto:ga@picallc.com)

Follow Us

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Exhibit C

Please see attached.



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GUARDIAN ANGEL

Word Mark GUARDIAN ANGEL

Goods and Services IC 035. US 100 101 102. G & S: providing business information via a web site; business management assistance. FIRST USE: 20120301. FIRST USE IN COMMERCE: 20120301

IC 045. US 100 101. G & S: security services, namely, protecting, tracking, locating, and monitoring personnel, vehicles, cargo, and other assets; security services, namely, monitoring GPS, mobile phone, smart device, panic notification, and other geolocation devices and providing notices to employers, family, emergency responders, and other emergency contacts when appropriate; stolen vehicle, cargo, and asset location and recovery services. FIRST USE: 20120301. FIRST USE IN COMMERCE: 20120301

Standard Characters Claimed

Mark Drawing Code (4) STANDARD CHARACTER MARK

Serial Number 87639164

Filing Date October 10, 2017

Current Basis 1A

Original Filing Basis 1A

Owner (APPLICANT) Professional Investigating & Consulting Agency, Inc. CORPORATION OHIO 551 South Third Street Columbus OHIO 43215

Attorney of Record J. Todd Timmerman
4877016

Prior
Registrations
Type of Mark SERVICE MARK
Register PRINCIPAL
Live/Dead
Indicator LIVE

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Exhibit D

Please see attached.



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GUARDIAN ANGEL

Word Mark GUARDIAN ANGEL

Goods and Services IC 045. US 100 101. G & S: security services, namely, tracking, locating, and monitoring of drivers, commercial vehicles and cargo, to track their geographical location for emergency response purposes and recovery, through the use of a remote monitoring center; emergency response alarm monitoring of GPS tracking devices, cell phones, and panic notification devices on commercial drivers and vehicles to track their geographical location and notify emergency responders when appropriate; stolen vehicle recovery. FIRST USE: 20120301. FIRST USE IN COMMERCE: 20120301

Standard Characters Claimed

Mark Drawing Code (4) STANDARD CHARACTER MARK

Serial Number 86573720

Filing Date March 23, 2015

Current Basis 1A

Original Filing Basis 1A

Published for Opposition October 13, 2015

Registration Number 4877016

Registration Date December 29, 2015

Owner (REGISTRANT) Professional Investigating & Consulting Agency, Inc. DBA PICA Corporation
CORPORATION OHIO 551 South Third Street Columbus OHIO 43215

**Attorney of
Record** J. Todd Timmerman

Type of Mark SERVICE MARK

Register PRINCIPAL

**Live/Dead
Indicator** LIVE

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